

DEBORAH M. SMITH
Acting United States Attorney

RETTA-RAE RANDALL
Assistant U.S. Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-1500
E-mail: rettarae.randall@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	No. 3:05-cr-075-01-JWS
)	
Plaintiff,)	
)	SENTENCING
vs.)	MEMORANDUM OF THE
)	UNITED STATES
SANG HYUCK KANG,)	
)	
Defendant.)	
_____)	

The United States files with the court its sentencing memorandum in the above captioned case pursuant to Local Criminal Rule 32.1(d)(1), for the Imposition of Sentence scheduled for February 16, 2006. The United States has no disagreements with the final revised presentence report dated February 2, 2006.

I. OFFENSE CONDUCT

On or about February 25, 2003, Sang Kang opened a Visa credit card account with First USA Bank, now Chase BankCard Services, Inc., in the name of Charlie Kang, with Sang Kang listing himself as an authorized user. The victim, Charlie Kang, is a former acquaintance of Sang Kang; Charlie Kang did not know that this credit card was being obtained and he did not give Sang Kang permission to obtain this credit card.

Sang Kang applied for the account over the internet in February, 2003, using the screen name SANGKANG69@aol.com. The AOL account belonged to Sang Kang of 2217 Lauren Ann Circle, Anchorage, Alaska. Sang Kang and his wife, Song Kang, live at 2217 Lauren Ann Circle. The account was started with the social security number of the victim, Charlie Kang, and a date of birth for him which was incorrect by one day. During the next ten months Sang Kang and his wife, Song Kang used this credit card and convenience checks issued to the credit card for purchases which affected interstate commerce and with the total amount of said purchases exceeding \$1,000. Song Kang made minimum monthly payments to this credit card in order to avoid detection.

II. ADVISORY SENTENCE CALCULATIONS PURSUANT TO PRESENTENCE REPORT (PSR).

Base Offense Level (2B1.1(a)(2))	6
Loss (More than \$10,000) (2B1.1(b)(1)(C))	+4
Use of means of identification to obtain any other means of identification (credit card account number)(2B1.1(b)(10)(C)(i))	+2
Total	12
Adjustment For Acceptance of Responsibility	<u>-2</u>
Total Offense Level (estimated)	10
Criminal History Category (estimated)	I
Advisory Sentencing Range	6 -12 months

III. PLEA AGREEMENT PURSUANT TO 11(c)(1)(C).

The parties expressly agreed that the Plea Agreement filed in this case was entered into and was to be controlled by Federal Rule of Criminal Procedure 11(c)(1)(C). This means that the United States and the defendant agreed that a specific sentence is the appropriate disposition of the case. This also means that the Court is bound to impose the agreed sentence if the Court accepts the Plea Agreement

IV. SENTENCING RECOMMENDATION.

(A) A sentence of five (5) years of probation, with a condition of probation

requiring third party risk notification;

(B) Restitution in the amount of \$7,150. 50 to Chase BankCard Services;

(C) No fine because of the defendant's inability to pay and because of the amount of restitution due in this case;

(D) A mandatory special assessment in the amount of \$100.

RESPECTFULLY SUBMITTED this 9th day of February, 2006, in Anchorage, Alaska.

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s/ Retta-Rae Randall
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CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2006, a copy of the foregoing was served electronically on Henry E. Graper, III, and was placed at the front desk of the USAO for Patricia A. Wong U.S. Probation/Pretrial Services Officer..

s/Retta-Rae Randall